IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19803 of 2004
DATE OF DECISION: 01-02-2007

RS Dalal, Assistant, Accounts Branch, Maharishi Dayanand University, Rohtak.

.....PETITIONER

VERSUS

Maharishi Dayanand University, Rohtak, through its Registrar, Rohtak.

.....RESPONDENT

CORAM:- HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.Ramesh Hooda, Advocate
for the petitioner.

Mr.BL Gupta, Advocate
for the respondent.

R S MADAN, J.

The petitioner is working as a Assistant, Accounts Branch, Maharishi Dayanand University, Rohtak and has 26 years of service to his credit. It was in the year 1992, one Rama Devi daughter of Shri VN Sharma got the Degree of Bachelor of Education. She applied for duplicate Degree of Bachelor of Education after completing the formalities. It was on 01-12-1998, the petitioner, who was working as Assistant in the Branch prepared the duplicate Degree on the basis of the result sheet. The said result

sheet and Degree was verified by various officials and the petitioner was one of them at the time of supplying the duplicate Degree. There was no suspicion of any type that the result sheet was fake. The duplicate Degree was given to Rama Devi. It was in the year 1999, the petitioner became suspicious about the genuineness of the result sheet and he brought the said fact into the knowledge of the higher officials that there seems to be a scandal for tampering with the result sheet. This step was appreciated by the higher officials and he was recommended for Award of Excellence for the year 1999. By that time, some duplicate Degrees and Detailed Mark Sheets had already been issued on the basis of the tampered result sheets and the petitioner was Assistant in the Accounts Branch, hence the petitioner and two others were placed under suspension on the allegation that they were involved in the tampering of record relating to the Examination Branch as well as dereliction in the discharge of their official duty. The copy of suspension order dated 09-01-2002 is attached herewith as Annexure P3. The petitioner was charge-sheeted for the preparation of four duplicate DMCs/Degrees on the basis of the fake entries in the result sheet without proper verification and checking of the corroborative record and without proper application of mind. A copy of the charge-sheet dated 01-04-2002 is Annexure P4.

An Enquiry committee was appointed, which found that the petitioner was careless while preparing the duplicate Mark Sheets/Degrees as the concerned pages of the result sheet were detached from the main result sheet and were also folded and it was the duty of the petitioner to re-check the correction of the concerned entries from second source. On the basis of that, the petitioner was given show cause notice for

minor punishment with respect to stoppage of two increments with cumulative effect. The true copy of show cause notice is Annexure P7.

It is pertinent to mention here that the University had appointed Mr.NS Ahlawat, District and Sessions Judge (Retd.) as Enquiry officer to look into the matters of irregularities and to find out the person responsible for the lapses. The Enqiry Officer submitted his report dated 22-12-2002 and observed on the issue of the petitioner as under:

> *"delinquent Sh.Ranvir Singh Dalal has argued while taking a consistent stand as also find mentioned in his reply to the charge-sheet that he has prepared the duplicate DMCs/degrees on the basis of original record which was supplied to him and in case the record itself was fake as supplied by the concerned branch cannot be held liable for preparing duplicate DMCs/degrees on their basis. However, this statement of Sh.Ranvir Singh Dalal is not tenable because he was bound to take due care and caution as he has admitted in his earlier statement made before the Preliminary Enquiry Committee that result sheets of the candidates whose duplicate DMCs/degrees were prepared, some of the papers were fold and pages of the results sheets were found dislocated from the main binding, undoubtedly the duplicate DMCs/degrees are to be prepared on the basis of result sheets supplied by the Result Branch as stated by Sh.Ranvir Singh Dalal. However, in the given case where he himself admitted that pages of the result sheets of the same were found folded and detached from the main result sheets, a person of his experience should have*

> *crossed checked the veracity of the aforementioned suspicious sheets from other relevant record.*
>
> *In view of the above, it emerges from the oral as well as documentary evidence placed on record by the University that Sh.Ranvir Singh Dalal had prepared duplicate DMCs/degrees of candidates in particulars as find mentioned in the charge sheet with negligence and in a irresponsible manner. However, there is no evidence on the record that the delinquent prepared aforementioned duplicate DMCs/degrees with any personal gain or extraneous consideration."*

After the receipt of Enquiry Report, the Vice-Chancellor issued a show cause notice to the petitioner dated 14-8-2003 (Annexure P7) by giving an opportunity to show cause as to why a minor penalty of stoppage of two grade increments with cumulative effect be not imposed against him under Clasue-2 (A) (ii) of the Penalties, Appeal and Review Rules, Part-II of the M.D. University Service and Conduct Rules for Non-Teaching Employees, which are as under:

> *"2. The following penalties may, for good and sufficient reasons, be imposed upon an employee:*
>
> *Minor penalties:*
>
> *i)Censure;*
>
> *ii)Withholding of increments or promotion;*
>
> *iii)Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of orders."*

The only grievance of the petitioner is that the stoppage

of two annual increments with cumulative effect falls within the mischief of major penalties whereas the intention of the Authority was to award minor punishment to the petitioner.

We have heard the learned counsel for the parties and are of the view that the Vice Chancellor himself was wanting to punish the petitioner with minor penalty of stoppage of two annual increments with cumulative effect. It has not been brought to the notice of the Authority that stoppage of two increments with cumulative effect falls within the mischief of major penalty and not as a minor penalty. We, therefore, feel that ends of justice would be met if the punishment awarded to the petitioner is reduced to the minor penalty of stoppage of two annual increments without cumulative effect.

In view of the above, this writ petition is partly allowed on the terms indicated above.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

February 01, 2007
jt